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CHRISTOPHER C. WINSLADE  
MCANDREWS, HELD & MALLOY  
500 W. MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/695,715

**Applicant(s)**

AHMADREZA R

**Examiner**

Marceau Milord

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10-14-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 164-221 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 164-221 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 164-221 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elder et al (US Patent No 6167246) in view of Wu et al (US Patent No 4710970).

Regarding claim 164, Elder et al discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), comprising: a transmitter including, a tunable oscillator (9 of fig. 1) having a tuning input, a mixer (2 of fig. 1) having a first input coupled to the oscillator (col. 3, lines 27-45), a second input, and an output (col. 1, lines 31-65), and a phase detector (23 of fig.2), a second input, and an output coupled to the tuning input (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65) and a local oscillator coupled to the second input of the mixer (col. 2, lines 17-65 ;col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

However, Elder et al does not specifically disclose the feature of a phase detector having a first input coupled to the mixer output.

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On the other hand, Wu et al, from the same field of endeavor, discloses a UHF transmission frequency oscillator that generates a UHF radio signal that is frequency modulated by a program signal. A voltage controlled VHF radio signal generator produces a VHF signal frequency modulated by the program signal. A phase detector receives the frequency difference signal and the VHF signal frequency modulated by the program signal and applies a voltage to the control voltage input of the UHF transmission frequency oscillator for the transmission of a UHF radio frequency signal modulated by the program signal (col. 2, lines 33- 63; col. 4, lines 13-67). Furthermore, Wu et al shows in figure 4, a phase comparator that compares the frequency of the integral sub-frequency input signal applied to the input to produce a control signal proportional to the difference between the frequencies of the integral sub-frequency and the integral sub-frequency and the integral reference sub-frequency signals (col. 7, line 2- col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Wu to the system of Elder in order to provide a method for generating low noise, FM radio transmission signals with low harmonic distortion.

Regarding claim 165, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the oscillator comprises a voltage controlled oscillator (col. 5, lines 13-37).

Regarding claim 166, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the transmitter further comprises a bandpass filter coupled between the mixer output and the first input of the phase detector (col. 6, lines 41-65).

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Regarding claim 167, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the transmitter further comprises a limiter coupled between the bandpass filter and the first input of the phase detector (col. 6, lines 17-65).

Regarding claim 168, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the transmitter further comprises a charge pump coupled between the phase detector output and the tuning input of the oscillator (col. 6, line 50- col. 7, line 30).

Regarding claim 169, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the transmitter further comprises a loop filter coupled between the phase detector output and the oscillator tuning input (col. 6, lines 42-65; col. 8, lines 15-45).

Regarding claim 170, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the oscillator comprises a voltage controlled oscillator, the CMOS integrated circuit further comprising a bandpass filter coupled to the mixer, a limiter coupled between the bandpass filter and the first input of the phase detector, a charge pump coupled to the phase detector output, and a loop filter coupled between the charge pump and the tuning input of the oscillator (col. 2, lines 17-65 ;col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 171, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the mixer comprises a subsampling mixer (col. 3, lines 27-45).

Regarding claim 172, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the mixer comprises a track and hold circuit coupled to the inputs of the mixer and the output of the mixer, and a bandpass circuit coupled to the first input of the mixer and the output of the mixer (col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 173, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the mixer further comprises an input circuit disposed between the first input of the mixer and the track and hold circuit (col. 3, lines 27-45).

Regarding claim 174, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the mixer further comprises a buffer disposed between the track and hold circuit and the output of the mixer (col. 3, lines 27-45).

Regarding claim 175, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the bandpass circuit comprises an inductor coupled to the first input of the mixer and a capacitor coupled to the output of the mixer (col. 3, lines 27-45; col. 10, line 27- col. 11, line 26).

Regarding claim 176, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the track and hold circuit comprises a switch between the first input of the mixer and the output of the mixer, the switch being adapted for control by a signal applied to the second input of the mixer from the local oscillator (col. 10, line 40- col. 11, line 31).

Regarding claim 177, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the switch comprises a transistor having a

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gate coupled to the second input of the mixer, a source coupled to the first input of the mixer, and a drain, and wherein the bandpass circuit comprises a capacitor coupled to the drain, and an inductor coupled to the source (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 178, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the capacitor and inductor cooperate to provide a time constant related to a signal frequency applied to the first input of the mixer from the tunable oscillator (col. 10, line 40- col. 11, line 31).

Regarding claim 179, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the track and hold circuit comprises a transistor having an input node coupled to the first input of the mixer and an output node coupled to the output of the mixer, and a current source coupled to the output of the mixer, the current source being adapted for control by a signal applied to the second input of the mixer (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 180, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the current source comprises a second transistor having a gate coupled to the first input of the mixer, a drain coupled to the output of the mixer, and a source, and wherein the bandpass circuit comprises a capacitor coupled to the output of the mixer and an inductor coupled to the drain of the second transistor (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 181, Elder et al as modified discloses a complimentary metal oxide semiconductor integrated circuit (figs. 1-2), wherein the capacitor and inductor cooperate to

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provide a time constant related to a signal frequency applied to the first input of the mixer from the tunable oscillator (col. 10, line 40- col. 11, line 31).

Regarding claim 182, Elder et al discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input, a sub-sampling mixer having a first input coupled the oscillator, a second input, and an output (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65) a second input, and an output coupled to the tuning input; and a local oscillator coupled to the second input of the mixer (col. 2, lines 17-65; col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

However, Elder et al does not specifically disclose the feature of a phase detector having a first input coupled to the mixer output.

On the other hand, Wu et al, from the same field of endeavor, discloses a UHF transmission frequency oscillator that generates a UHF radio signal that is frequency modulated by a program signal. A voltage controlled VHF radio signal generator produces a VHF signal frequency modulated by the program signal. A phase detector receives the frequency difference signal and the VHF signal frequency modulated by the program signal and applies a voltage to the control voltage input of the UHF transmission frequency oscillator for the transmission of a UHF radio frequency signal modulated by the program signal (col. 2, lines 33- 63; col. 4, lines 13-67). Furthermore, Wu et al shows in figure 4, a phase comparator that compares the frequency of the integral sub-frequency input signal applied to the input to produce a control signal proportional to the difference between the frequencies of the integral sub-frequency and the integral sub-frequency and the integral reference sub-frequency signals (col. 7, line 2- col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the



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invention was made to apply the technique of Wu to the system of Elder in order to provide a method for generating low noise, FM radio transmission signals with low harmonic distortion.

Regarding claim 183, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the oscillator comprises a voltage controlled oscillator (col. 3, lines 27-45).

Regarding claim 184, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the transmitter further comprises a bandpass filter coupled between the sub-sampling mixer output and the first input of the phase detector (col. 6, line 42- col. 7, line 47).

Regarding claim 185, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the transmitter further comprises a limiter coupled between the bandpass filter and the first input of the phase detector (col. 6, line 42- col. 7, line 47).

Regarding claim 186, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the transmitter further comprises a charge pump coupled between the phase detector output and the tuning input of the oscillator (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65).

Regarding claim 187, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the transmitter further comprises a loop filter coupled between the phase detector output and the oscillator tuning input (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65).

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Regarding claim 188, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the oscillator comprises a voltage controlled oscillator, the transmission system further comprising a bandpass filter coupled to the mixer output, a limiter coupled between the bandpass filter and the first input of the phase detector, a charge pump coupled to the phase detector output, and a loop filter coupled between the charge pump and the tuning input of the oscillator (col. 2, lines 17-65 ;col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 189, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the mixer comprises a track and hold circuit coupled to the inputs of the mixer and the output of the mixer, and a bandpass circuit coupled to the first input of the mixer and the output of the mixer (col. 5, line 17- col. 6, line 45).

Regarding claim 190, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the mixer further comprises an input circuit disposed between the first input of the mixer and the track and hold circuit (col. 5, line 17- col. 6, line 45).

Regarding claim 191, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the mixer further comprises a buffer disposed between the track and hold circuit and the output of the mixer (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65).

Regarding claim 192, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein

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the bandpass circuit comprises an inductor coupled to the first input of the mixer and a capacitor coupled to the output of the mixer (col. 10, line 40- col. 11, line 31).

Regarding claim 193, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the track and hold circuit comprises a switch between the first input of the mixer and the output of the mixer, the switch being adapted for control by a signal applied to the second input of the mixer from the local oscillator (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 194, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the switch comprises a transistor having a gate coupled to the second input of the mixer, a source coupled to the first input of the mixer, and a drain, and wherein the bandpass circuit comprises a capacitor coupled to the drain, and an inductor coupled to the source (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 195, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the capacitor and inductor cooperate to provide a time constant related to a signal frequency applied to the first input of the mixer from the tunable oscillator (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 196, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the track and hold circuit comprises a transistor having an input node coupled to the first input of the mixer and an output node coupled to the output of the mixer, and a current source

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coupled to the output of the mixer, the current source being adapted for control by a signal applied to the second input of the mixer (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 197, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the current source comprises a second transistor having a gate coupled to the first input of the mixer, a drain coupled to the output of the mixer, and a source, and wherein the bandpass circuit comprises a capacitor coupled to the output of the mixer and an inductor coupled to the drain of the second transistor (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 198, Elder et al as modified discloses a transmission system, comprising: a transmitter including, a tunable oscillator having a tuning input (figs. 1-2), wherein the capacitor and inductor cooperate to provide a time constant related to a signal frequency applied to the first input of the mixer from the tunable oscillator (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 199, Elder et al discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), comprising: first oscillator means for generating a first signal having a tunable frequency, the first oscillating means comprising tuning means for tuning the frequency of the first signal (col. 1, lines 31-65; col. 3, line 61- col. 4, line 10; col. 6, lines 17-65); mixer means for mixing the first signal with a second signal to produce a mixed signal (col. 2, lines 17-65; col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

However, Elder et al does not specifically disclose the feature of a detector means for detecting a phase difference between the mixed signal and an input signal, and generating an

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error signal which is a function of the phase difference, the tuning means being responsive to the error signal; and second oscillator means for generating the second signal.

On the other hand, Wu et al, from the same field of endeavor, discloses a UHF transmission frequency oscillator that generates a UHF radio signal that is frequency modulated by a program signal. A voltage controlled VHF radio signal generator produces a VHF signal frequency modulated by the program signal. A phase detector receives the frequency difference signal and the VHF signal frequency modulated by the program signal and applies a voltage to the control voltage input of the UHF transmission frequency oscillator for the transmission of a UHF radio frequency signal modulated by the program signal (col. 2, lines 33- 63; col. 4, lines 13-67). Furthermore, Wu et al shows in figure 4, a phase comparator that compares the frequency of the integral sub-frequency input signal applied to the input to produce a control signal proportional to the difference between the frequencies of the integral sub-frequency and the integral sub-frequency and the integral reference sub-frequency signals (col. 7, line 2- col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Wu to the system of Elder in order to provide a method for generating low noise, FM radio transmission signals with low harmonic distortion.

Regarding claim 200, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the first oscillator means comprises a voltage controlled oscillator, the tuning means being responsive to a voltage of the error signal (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65).

Regarding claim 201, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), further comprising filter means for filtering the

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mixed signal before being applied to the detector means, the filtered mixed signal comprising a difference frequency between the tuned frequency of the first signal and a frequency of the second signal(col. 3, line 61- col. 4, line 10; col. 6, lines 17-65)

Regarding claim 202, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), further comprising means for limiting the filtered mixed signal from the filter means before being applied to the detector means (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65)

Regarding claim 203, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), further comprising means for sourcing current to the tuning means responsive to the error signal (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65)

Regarding claim 204, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), further comprising means for filtering the error signal from the detecting means before being applied to the tuning means (col. 3, line 61- col. 4, line 10; col. 6, lines 17-65).

Regarding claim 205, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the first oscillator means comprises a voltage controlled oscillator, the tuning means being responsive to a voltage of the error signal, the CMOS transmitter system further comprising filter means for filtering the mixed signal before being applied to the detector means, the filtered mixed signal comprising a difference frequency between the tuned frequency of the first signal and a frequency of the second signal, means for limiting the filtered mixed signal from the filter means before being applied to the detector means, current means for sourcing current to the tuning means responsive to the error

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signal, and means for filtering the current sourced error signal from the current means before being applied to the tuning means (col. 2, lines 17-65 ;col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 206, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the mixer means comprises a sub-sampling mixer (col. 3, line 61- col. 4, line 10).

Regarding claim 207, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the sub-sampling mixer comprises track and hold means for tracking and holding the first signal in response to the second signal, and limiting means for limiting the response of the track and hold means to a frequency band, the first signal being within the frequency band (col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 208, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), further comprising means for buffering first signal before being applied to the track and hold means (col. 6, line 42- col. 7, line 47).

Regarding claim 209, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the limiting means comprises an inductor and capacitor each being coupled to the track and hold means (col. 6, line 42- col. 7, line 47).

Regarding claim 210, Elder et al as modified discloses a complimentary metal oxide semiconductor transmitter system (figs. 1-2), wherein the track and hold means comprises a switch in a path of the first signal, the switch being controlled by the second signal (col. 6, line 42- col. 7, line 47).

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Regarding claim 211, Elder et al discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), the first oscillating means comprising tuning means for tuning the frequency of the first signal (col. 1, lines 31-65; col. 3, line 61- col. 4, line 10; col. 6, lines 17-65); and means for filtering the current sourced error signal from the current means before being applied to the tuning means (col. 2, lines 17-65; col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

However, Elder et al does not specifically disclose the feature of a signal from the filter means before being applied to the detector means, current means for sourcing current to the tuning means responsive to the error signal.

On the other hand, Wu et al, from the same field of endeavor, discloses a UHF transmission frequency oscillator that generates a UHF radio signal that is frequency modulated by a program signal. A voltage controlled VHF radio signal generator produces a VHF signal frequency modulated by the program signal. A phase detector receives the frequency difference signal and the VHF signal frequency modulated by the program signal and applies a voltage to the control voltage input of the UHF transmission frequency oscillator for the transmission of a UHF radio frequency signal modulated by the program signal (col. 2, lines 33- 63; col. 4, lines 13-67). Furthermore, Wu et al shows in figure 4, a phase comparator that compares the frequency of the integral sub-frequency input signal applied to the input to produce a control signal proportional to the difference between the frequencies of the integral sub-frequency and the integral sub-frequency and the integral reference sub-frequency signals (col. 7, line 2- col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the



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invention was made to apply the technique of Wu to the system of Elder in order to provide a method for generating low noise, FM radio transmission signals with low harmonic distortion.

Regarding claim 212, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), wherein the first oscillator means comprises a voltage controlled oscillator, the tuning means being responsive to a voltage of the error signal (col. 6, line 42- col. 7, line 47).

Regarding claim 213, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), wherein the second signal comprises a frequency different from the frequency of the first oscillator means (col. 2, lines 17-65; col. 4, lines 44-65).

Regarding claim 214, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), further comprising means for limiting the filtered mixed signal from the filter means before being applied to the detector means (col. 6, line 42- col. 7, line 47).

Regarding claim 215, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), further comprising means for sourcing current to the tuning means responsive to the error signal (col. 6, line 42- col. 7, line 47).

Regarding claim 216, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), further comprising means for filtering the error signal from the detecting means before being applied to the tuning means (col. 6, line 42- col. 7, line 47).

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Regarding claim 217, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency (figs. 1-2), wherein the first oscillator means comprises a voltage controlled oscillator, the tuning means being responsive to a voltage of the error signal, and the second signal comprises a frequency different from the frequency of the first oscillator means, the transmitter system further comprising means for limiting the filtered mixed (col. 4, lines 44-65; col. 6, line 42- col. 7, line 47).

Regarding claim 218, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency, wherein the mixer comprises track and hold means for tracking and holding the first signal in response to the second signal, and limiting means for limiting the response of the track and hold means to a frequency band, the first signal being within the frequency band (col. 6, lines 7-65; col. 10, line 40- col. 11, line 51).

Regarding claim 219, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency, further comprising means for buffering first signal before being applied to the track and hold means (col. 5, line 17- col. 6, line 45).

Regarding claim 220, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency, wherein the limiting means comprises an inductor and capacitor each being coupled to the track and hold means (col. 5, line 17- col. 6, line 45; col. 10, line 40- col. 11, line 31).

Regarding claim 221, Elder et al as modified discloses a transmitter system, comprising: first oscillator means for generating a first signal having a tunable frequency, wherein the track

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and hold means comprises a switch in a path of the first signal, the switch being controlled by the second signal (col. 6, lines 7-65; col. 10, line 40- col. 11, line 51).

### Response to Arguments

2. Applicant's arguments filed on October 14, 2004 have been fully considered but they are not persuasive.

Applicant's representative argues that Elder "relates to a receiver".

However, Elder shows in figure 1 that the signal to noise ratio of the receiver allows variations in the transmitter output frequency (col. 1, lines 39-44; col. 2, lines 52-61; col. 3, lines 31-35). The signal applied to the RF Preamplifier input from the signal source is AC coupled with low frequency tailored to lie between Frequency Modulated sources and the lower end of FCC periodic band (col. 5, lines 17- 37). In addition, the transmitted RF carrier frequency dictates some constraints on transmitter frequency alignment and age/temperature stability (col. 7, lines 11-30). It is considered that Elder also discloses a transmitter. The examiner still believes that the Elder reference was used to disclose such feature as it was applied in the above rejection. In response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific

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disclosure. In re Bozec, 163 USPQ 545 (CCPA) 1969. In this case, it would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to use to apply the technique of Wu to the system of Elder in order to provide a method for generating low noise, FM radio transmission signals with low harmonic distortion.

### Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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MARCEAU MILORD

Marceau Milord

Examiner

Art Unit 2682

  
MARCEAU MILORD  
PRIMARY EXAMINER